

Senate Bill No. 1322

Passed the Senate August 25, 2010

Secretary of the Senate

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 18926.5 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1322, Liu. Food Stamp Employment and Training program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law requires all food stamp recipients, unless otherwise exempt, between 15 to 60 years of age, inclusive, who are physically and mentally fit, to register for employment and participate in the Food Stamp Employment and Training (FSET) program.

This bill would require a county that elects to participate in the FSET program to screen food stamp work registrants to determine whether they will participate in, or be deferred from, the FSET program, and would describe the criteria for deferral. The bill would authorize a food stamp work registrant who is deferred from mandatory participation in FSET to request to enroll in the program as a voluntary participant. The bill would require a county that participates in the FSET program to screen work registrants to determine whether they will participate in, or be deferred from, the FSET program, and would authorize a deferred work registrant to request to enroll in the FSET program as a voluntary participant. The bill would defer an individual from mandatory placement in the FSET program under designated circumstances.

This bill, commencing October 1, 2011, would require a county that elects to participate in the FSET program to allow work registrants who are mandatorily placed in the program to meet the work requirements of the mandatory placement through self-initiated workfare, as defined.

This bill would require a county that elects to participate in the FSET program to demonstrate in its FSET plan how it is effectively using FSET funds, as specified, but would not be construed to require a county to offer a particular component as part of its FSET

plan. The bill would impose specified requirements on these counties with respect to the use of FSET and other federal funds and the implementation of FSET and other workfare programs.

This bill would provide that it would not require a county to provide for workers' compensation coverage for an FSET participant who elects to participate in self-initiated workfare, as specified.

This bill would require the department to adopt implementing regulations by October 1, 2012.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to increase meaningful opportunities for employment and training in the Food Stamp Employment and Training (FSET) program and assist food stamp recipients in meeting the work requirements of the Food Stamp Program.

SEC. 2. Section 18926.5 is added to the Welfare and Institutions Code, to read:

18926.5. (a) For the purposes of this chapter, "Food Stamp Employment and Training Program" or "FSET" means the program established under Section 6(d)(4)(B) of the federal Food Stamp Act (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of the Code of Federal Regulations, and associated administrative notices published by the United States Department of Agriculture with the purpose of assisting members of food stamp households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(b) (1) A county that elects to participate in the Food Stamp Employment and Training (FSET) program, as authorized by the federal Food Stamp Act (7 U.S.C. Sec. 2029), shall screen food stamp work registrants to determine whether they will participate in, or be deferred from, the FSET program. If deferred, a food stamp work registrant may request to enroll in the FSET program as a voluntary participant. An individual shall be deferred from a Food Stamp Program mandatory placement in the FSET program if he or she satisfies any of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, or if he or she resides in a federally determined work surplus area.

(2) For purposes of this section, “deferred” has the same meaning as exempt.

(c) (1) A county that elects to participate in the FSET program shall be required to demonstrate in its FSET plan how it is effectively using FSET funds for each of the components that the county offers, including, but not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

(E) The support services or client reimbursements needed to participate in subparagraphs (A) to (D), inclusive, as allowed by federal law and guidance.

(2) Nothing in this section shall be construed to require a county to offer a particular component as a part of its FSET plan.

(d) Commencing October 1, 2011, a county that elects to participate in the FSET program shall allow work registrants who are mandatorily placed in the program to meet the work requirements of the mandatory placement through self-initiated workfare, as defined in paragraph (2), and shall inform the work registrant of this option.

(1) Nothing in this section shall be construed to require a county to provide for workers’ compensation coverage for an FSET participant who elects to participate in self-initiated workfare, and a county shall have no duty to provide workers’ compensation coverage for an FSET participant who elects to participate in self-initiated workfare, notwithstanding Division 4 (commencing with Section 3200) of the Labor Code.

(2) For purposes of this chapter, “self-initiated workfare” means a public service placement in a public or private nonprofit agency that is initiated by the food stamp recipient and for which the food stamp recipient is responsible for documentation of hours. Self-initiated workfare shall be verified in the same manner as other work activity verification and shall meet the requirements established in Section 20 of the federal Food Stamp Act (7 U.S.C. Sec. 2029) and its ensuing regulations and administrative notices, including, but not limited to, Section 273.7 of Title 7 of the Code of Federal Regulations and USDA Administrative Notices 97-40 and 97-58.

(e) Nothing in this section shall limit a county's ability to condition the receipt of nonmedical benefits under Section 17000 on an individual's participation in an employment and training or workfare program of the county's choice, even if that program is financed in whole or part with FSET funds or match funds.

(f) Nothing in this section shall restrict the use of federal funds for the financing of FSET programs.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 2 of the Government Code), the department may implement this section by all-county letters or similar instructions. Thereafter, the department shall adopt regulations to implement this section by October 1, 2012.

Approved _____, 2010

Governor